

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>BRENT PERKINS and DARLA ) PERKINS, husband and wife, and ) BRENT PERKINS and DARLA ) PERKINS as Trustees of the BRENT W. ) &amp; DARLA A. PERKINS LIVING TRUST, ) ) Plaintiffs, ) vs. ) ) CITATION OIL &amp; GAS CORP., a ) Delaware corporation, ) ) Defendant. )</b>	)	<b>Case No. 16-cv-00171-RAW</b>
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**ANSWER**

**COMES NOW** the Defendant, Citation Oil & Gas Corp. ("Citation"), for its Answer to Plaintiffs, Brent Perkins and Darla Perkins, husband and wife, and Brent Perkins and Darla Perkins as Trustees of the Brent W. & Darla A. Perkins Living Trust's Petition, and hereby generally and specifically denies each and every material allegation contained therein unless otherwise stated. In further answer of Plaintiffs' Petition, Citation states:

**BACKGROUND**

1. Citation admits the material allegations contained in Paragraph 1 of Plaintiffs' Petition.
2. Citation admits it is a corporation organized under the laws of the State of Delaware with its principal place of business in Houston, Texas as alleged in Paragraph 2 of Plaintiffs' Petition.

3. Citation is without sufficient information to admit the material allegations contained in Paragraph 3 of Plaintiffs' Petition and therefore demands strict proof thereof.

4. Citation is without sufficient information to admit the material allegations contained in Paragraph 4 of Plaintiffs' Petition and therefore demands strict proof thereof.

5. Citation admits the material allegations contained in Paragraph 5 of Plaintiffs' Petition.

6. Citation admits the material allegations contained in Paragraph 5 of Plaintiffs' Petition.

7. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon plaintiff's property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 7 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

8. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 8 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

#### **PRIVATE AND PUBLIC NUISANCE**

9. Citation denies the material allegations contained in Paragraphs 9 a – g of Plaintiffs' Petition and demands strict proof thereof.

10. Citation denies the material allegations contained in Paragraphs 10 a - g of Plaintiffs' Petition and demands strict proof thereof.

11. Citation denies the material allegations contained in Paragraph 11 of Plaintiffs' Petition and demands strict proof thereof.

12. Citation denies the material allegations contained in Paragraph 12 of Plaintiffs' Petition and demands strict proof thereof.

13. Citation denies the material allegations contained in Paragraph 13 of Plaintiffs' Petition and demands strict proof thereof.

14. Citation denies the material allegations contained in Paragraph 14 of Plaintiffs' Petition and demands strict proof thereof.

### **TRESPASS**

15. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 15 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

16. Citation admits that it has no license to discharge saltwater, oil, or deleterious substances onto to the plaintiff's property. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 16 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

17. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 17 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

18. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 18 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

19. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 19 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

20. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 20 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

### **NEGLIGENCE**

21. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 21 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

22. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 22 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

23. Citation admits it has a duty to conduct its business with reasonable care. Citation denies any remaining material allegations of paragraph 23 of Plaintiffs' Petition.

24. Citation denies the material allegations contained in Paragraph 24 of Plaintiffs' Petition and demands strict proof thereof.

25. Citation denies the material allegations contained in Paragraph 25 of Plaintiffs' Petition and demands strict proof thereof.

26. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 26 a-g of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

27. Citation denies the material allegations contained in Paragraph 27 of Plaintiffs' Petition and demands strict proof thereof.

#### **UNJUST ENRICHMENT**

28. Citation admits that there are rules and laws relating to oil and gas operations in Oklahoma and that Citation has an obligation to comply with applicable regulations and laws. Citation denies the remaining material allegations contained in Paragraph 28 of Plaintiffs' Petition and demands strict proof thereof.

29. Plaintiffs' Petition fails to set forth a date, origin, or location of the alleged discharge upon Plaintiffs' property. Citation is therefore without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 29 of Plaintiffs' Petition and therefore such allegations are deemed denied, and Citation demands strict proof thereof.

**PUNITIVE DAMAGES**

30. Citation denies the material allegations contained in Paragraph 30 of Plaintiffs' Petition and demands strict proof thereof.

31. Citation denies Plaintiffs' *ad damnum*.

For further answer and defense, Citation states as follows:

**AFFIRMATIVE DEFENSES**

1. Plaintiffs' Petition fails to state a claim against Defendant upon which relief may be granted and Plaintiffs' are therefore not entitled to recover herein.

2. Defendant objects to the subject matter jurisdiction as Plaintiffs' claims are not proper for this Court as the remediation sought by Plaintiffs is under the exclusive jurisdiction of the Oklahoma Corporation Commission.

3. Plaintiffs' claims are barred by *res judicata* and claim preclusion.

As discovery is ongoing, Defendant reserves the right to amend this Answer as discovery warrants.

**WHEREFORE**, having answered, Defendant prays judgment be entered in its favor and Plaintiffs take nothing by way of their Petition and for such other relief as the Court deems just and proper.

Respectfully submitted,

s/ 

F. Thomas Cordell, OBA #1912

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of May, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Kenneth R. Johnston  
Wes Johnston  
JOHNSTON & ASSOCIATES  
Email: Johnstonlawfirm@sbcglobal.net  
**Attorneys for Plaintiffs**

s/   
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F. Thomas Cordell